



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/550,706

04/17/2000

Tommy H. Tam

ACC1P001

1322

34071 7590 10/15/2008
IPVENTURE, INC.
5150 EL CAMINO REAL
SUITE A-22
LOS ALTOS, CA 94022

EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

10/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/550,706	Applicant(s) TAM ET AL.	
	Examiner JOHNNA R. LOFTIS	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12, 20, 21, 23, 24 and 37-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12, 20, 21, 23, 24, 37-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3624

DETAILED ACTION

1. The following is a final office action upon examination of application number 09/550706. Claims 1-8, 12, 20, 21, 23, 24 and 37-43 are pending and have been examined on the merits discussed below.

Response to Arguments

2. Applicant's arguments filed 7/16/08 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., checking between two separate and distinct calendars of a service provider) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). There is nothing in the claims that explicitly points out that the calendars are separate and distinct. Since Cree et al teaches a feature wherein a check is made to determine conflicts between calendars, Examiner upholds previous rejections to the claims.

3. In addition, new rejections have been included that address newly introduced claims 40-43.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3624

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-8, 20, 21, 23, 24, 37 and 39-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al, US 6,389,454 in view of Cree et al, US 4,866,611.

As per **claim 1**, Ralston et al. teaches a computer-implemented method for providing an on-line appointment between a service provider and a user who is interested in a service the service provider may be able to provide, over a network, said method comprising:

(a) receiving a request for appointment availability of the service provider during a time period (see abstract, column 2, lines 53-62, and column 4, lines 46-49, an appointment request is made of the service provider for a specific time period);

(b) determining available appointment times within the time period for the service provider through use of a central appointments server having access to a central appointment database that stores calendars for various service providers, including a first calendar for a service provider (see figures 2 and 3, abstract, column 4, lines 17-35, column 5, lines 17-60, and column 7, lines 21-35, the available appointment times within the time period for the service provider are determined through a central server which has access to the various facilities or service provider's information; the remote schedule servers store dates and times the facilities and or staff are available);

(c) transmitting the available appointment times to the user (see column 5, lines 61-67, through column 6, lines 1-12, the available appointment times are transmitted to the user);

Art Unit: 3624

(d) receiving a selected appointment time from the available appointment times (see column 5, lines 61-67, through column 6, lines 1-12, the user receives the available appointment times); and

(e) setting the on-line appointment between the user and the service provider at the selected appointment time (see column 6, lines 3-27, the on-line appointment is set), and wherein the user can schedule the appointment through any computer as long as the computer can access the Internet with a browser (receiving the packet of client information is accomplished via the Internet, a local area network, or a wide area network", column 3, lines 43 - 44, wherein any computer that receives a packet of information via the Internet is inherently able to access the Internet through a browser, as using a browser is an old and very well known means for accessing the Internet).

Ralston teaches an appointment scheduling system that employs a central schedule server that contains data of scheduled appointments and times that are freely available for scheduling appointments at a plurality of service providers and also coordinates scheduling to accommodate preferred dates and times of the client (column 2, lines 53-67; column 4, lines 35-64), but does not explicitly teach checking another calendar of the service provider to determine if there is a conflict between the first calendar and the another calendar due to the selected appointment time. Cree et al teaches an electronic calendar wherein a calendar owner can automatically reconcile entries that have been made independently on two different calendars (column 4, lines 21-38). Further, a comparison of various data in each entry is performed to check for conflicts (column 5, lines 39-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a check for conflict between

Art Unit: 3624

schedules prior to scheduling the appointment so as to speed the scheduling process to achieve the predictable results of scheduling appointments during the time period for which there is no conflict.

As per **claim 2**, Ralston et al. teaches a method as recited in claim 1, wherein the time period is a day (see abstract, and column 5, lines 41-50, the appointments are made for a specific time during the day).

As per **claim 3**, Ralston et al. teaches a method as recited in claim 1, Wherein said receiving said receiving (a) of the request for appointment availability includes a time duration for the on-line appointment (see column 5, lines 61-67, through column 6, lines 1-12, the user receives the available appointment times), and wherein said determining (b) of the available appointment times are those times during the time period that the service provider is available for at least the time duration (see column 5, lines 17-67, through column 6, lines 1-12, the available appointment times are times that the service provider is available for at least that time duration).

As per **claim 4**, Ralston et al. teaches a method as recited in claim 1, wherein said setting (c) comprises:

(e 1) transmitting verification information for the on-line appointment to the user (see column 6, lines 17-24, verification information is transmitted);

(e2) receiving a verification of the verification information for the on-line appointment; (see column 6, lines 17-24, verification information is transmitted) and (e3) subsequently setting the on-line appointment between the user and the service provider at the selected appointment

Art Unit: 3624

time when the verification has been received (see column 6, lines 17-24, verification information is transmitted and the appointment is set).

As per **claim 5**, Ralston et al. teaches a method as recited in claim 1, wherein said setting (e) of the on-line appointment sets a requested online appointment, and wherein said method further comprises: (f) subsequently receiving a confirmation for the requested on-line appointment (see column 6, lines 17-24, a confirmation is received).

As per **claim 6**, Ralston et al. teaches a method as recited in claim 5, wherein said method further comprises: (g) updating the requested on-line appointment to a confirmed on-line appointment after the confirmation has been received (see column 6, lines 17-27, the appointment is confirmed).

As per **claim 7**, Ralston et al. teaches a method as recited in claim 5, wherein the time period is a predetermined day (see abstract, and column 5, lines 41-50, the appointments are made for a specific time during the day), and wherein the network is the Internet (see column 4, lines 17-49, the network is the Internet).

As per **claim 8**, Ralston et al. teaches a method as recited in claim 1, wherein said method further comprises: (f) subsequently rendering the selected appointment time for the service provider unavailable (see column 5, lines 58-59, the appointment time is inherently rendered unavailable as the appointment times are chosen from the time that the service provider is available).

As per **claim 20**, Ralston et al. teaches an on-line appointment system that supports a large number of users in making appointments over the Internet, comprising: an appointment

Art Unit: 3624

server coupled to the network (see column 4, lines 17-49, the appointment server is coupled to a network); an appointment database coupled to said appointment server, wherein said appointment server and said appointment database together provide storage and access for calendars and provide assistance to users to request appointments with one or more service providers and provide assistance to users to schedule appointments with one or more service providers and thereafter permit confirmation, by the one or more service providers of the appointments that have been scheduled with the one or more service providers (see column 5, lines 17-67, through column 6, lines 1-24, the users can request appointments and confirm them with the service providers), and wherein the user can schedule the appointment through any computer as long as the computer can access the Internet with a browser (receiving the packet of client information is accomplished via the Internet, a local area network, or a wide area network", column 3, lines 43 - 44, wherein any computer that receives a packet of information via the Internet is inherently able to access the Internet through a browser, as using a browser is an old and very well known means for accessing the Internet).

Ralston teaches an appointment scheduling system that employs a central schedule server that contains data of scheduled appointments and times that are freely available for scheduling appointments at a plurality of service providers and also coordinates scheduling to accommodate preferred dates and times of the client (column 2, lines 53-67; column 4, lines 35-64), but does not explicitly teach a synchronization application that provides automated review of appointments of the service provider to determine if there is a conflict between the first calendar and the another calendar due to the selected appointment time. Cree et al teaches an electronic calendar wherein a calendar owner can automatically reconcile entries

Art Unit: 3624

that have been made independently on two different calendars (column 4, lines 21-38).

Further, a comparison of various data in each entry is performed to check for conflicts (column 5, lines 39-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a check for conflict between schedules prior to scheduling the appointment so as to speed the scheduling process to achieve the predictable results of scheduling appointments during the time period for which there is no conflict.

As per **claim 21**, Ralston et al. teaches confirmations for appointments (see column 6, lines 17-24). Ralston et al. does not explicitly disclose wherein said appointment server also provides reminders for confirmed appointments. However, it is old and well known in the art to provide reminders. Therefore, it would have been obvious to one of ordinary skill in the art to disclose reminders for confirmed appointments as it is a common and user-friendly feature that reminds the user the scheduled appointment.

As per **claim 23**, Ralston et al. teaches an on-line appointment system as recited in claim 20, wherein the users include consumers and service providers (see abstract, this automated system is for consumers and service providers). Ralston et al. disclose various service providers at various locations (see column 2, lines 30-46, the user may have appointments with different service providers). Inherent to they system of Ralston et al is a directory of the service providers. Ralston et al is directed to scheduling within the medical industry therefore when a client access the system for an appointment and enters an access code (column 4, lines 35-50), this code is processed to allow access to the specific organization associated with the access code.

Art Unit: 3624

As per **claim 24**, Ralston et al. teaches appointment database further stores user information for users and service providers to reduce subsequent data entry (column 6, lines 1-27 – once the appointment is set, information such as the client information, appointment date and time and facility identity is stored and the appointment is confirmed. Along with the confirmation a unique appointment number is transmitted to the client and the facility. Upon wanting to modify, confirm or cancel the appointment, one must enter the appointment number and details regarding the appointment, i.e, client information, date and time, etc. are retrieved).

As per **claim 37**, Ralston et al teaches an appointment scheduling system that employs a central schedule server that contains data of scheduled appointments and times that are freely available for scheduling appointments at a plurality of service providers (column 2, lines 53-67; column 4, lines 35-64), but does not explicitly teach a synchronization of the calendar entries between the two calendars. Cree et al teaches an electronic calendar wherein a calendar owner can automatically reconcile entries that have been made independently on two different calendars (column 4, lines 21-38). Further, a comparison of various data in each entry is performed to check for conflicts (column 5, lines 39-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a check for conflict between schedules prior to scheduling the appointment so as to speed the scheduling process to achieve the predictable results of scheduling appointments during the time period for which there is no conflict.

As per **claim 39**, Ralston et al teaches said system is managed by another entity, with the another entity being independent of both the service providers and the users (column 4, lines 35-50, column 5, lines 60-67 – when a user wants to schedule an appointment, they must access the central schedule server wherein the scheduling system gathers information from the user and

Art Unit: 3624

accesses scheduling information of the facilities and/or doctors, the central schedule server manages the scheduling).

As per **claim 40**, the combination of Ralston et al and Cree et al teach two calendars wherein one is the host calendar and the other is the personal calendar, but does not explicitly teach one of the calendars is online. Examiner takes official notice that it is old and well known to automate known processes over the internet. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of references to include an online calendar because of the known benefits of the internet including allowing access to information from anywhere in the world.

As per **claim 41**, Ralston et al does not explicitly teach checking is performed to determine whether the selected appointment time conflicts with an item on the another calendar. Cree et al teaches an electronic calendar wherein a calendar owner can automatically reconcile entries that have been made independently on two different calendars (column 4, lines 21-38). Further, a comparison of various data in each entry is performed to check for conflicts (column 5, lines 39-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a check for conflict between schedules prior to scheduling the appointment so as to speed the scheduling process to achieve the predictable results of scheduling appointments during the time period for which there is no conflict.

As per **claim 42**, Ralston et al does not explicitly teach checking is performed to determine whether the selected appointment time for the on-line appointment should be

Art Unit: 3624

accepted or declined. Cree et al teaches and automatic accept procedure (column 7, lines 22-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to include determining whether the appointment time should be accepted or declined so as to speed the scheduling process to achieve the predictable results of scheduling appointments during the time period for which there is no conflict.

As per **claim 43**, Ralston et al does not explicitly teach checking is performed to determine whether the selected appointment time for the on-line appointment should automatically be accepted or declined. Cree et al teaches and automatic accept procedure (column 7, lines 22-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to include determining whether the appointment time should be accepted or declined so as to speed the scheduling process to achieve the predictable results of scheduling appointments during the time period for which there is no conflict.

6. **Claim 12 and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al, US 6,389,454 and Cree et al, US 4,866,611, further in view of Scully et al, US 4,831,551

As per **claim 12**, it is directed to the computer readable medium including computer code for providing the on-line appointment scheduling method of claim 1. Therefore since both Ralston et al and Cree et al teach computer implemented scheduling systems, the same rejection as applied to claim 1 also applies to claim 12. Further, the combination of Ralston et al and Cree et al does not explicitly teach an appointment initially having a pending status and enabling the service provider to confirm the appointment and

Art Unit: 3624

alter the appointment from pending status to confirmed status. Scully et al teaches an electronic calendaring method for use in a data processing system wherein entries from a plurality of calendars are displayed (column 3, lines 60-67). The calendar entries include code that identify tentative meeting when the meetings are confirmed they are indicated by a confirmed code (column 15, lines 1-64 listed all codes associated with meeting status). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Ralston et al and Cree et al to include the status indications of Scully et al to achieve the predictable results of providing a notification of whether the meeting is set or pending. This makes the scheduling process more efficient.

As per **claim 38**, Ralston et al teaches the on-line appointment is implemented by another entity based on the computer code, with the another entity being independent of both the service provider and the user (column 4, lines 35-50, column 5, lines 60-67 – when a user wants to schedule an appointment, they must access the central schedule server wherein the scheduling system gathers user information and accesses scheduling information of the facilities and/or doctors, the central schedule server manages the scheduling).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beckhardt et al, US 6,085,166 – electronic calendar with group scheduling and asynchronous fan out method

Art Unit: 3624

Conmy et al, US 6,101,480 – electronic calendar with group scheduling and automated scheduling techniques for coordinating conflicting schedules

Flanagin et al, US 6,272,545 – system and method for interaction between one or more desktop computers and one or more mobile devices

Kloba et al, US 6,341,316 – system, method and computer program product for synchronizing content between a server and a client based on state information

Pivowar et al, US 6,457,062 – system and method for synchronizing multiple calendars over wide area network

Pivowar et al, US 6,553,037 – system and method for synchronizing data among a plurality of users via an intermittently accessed network

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3624

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHNNA R. LOFTIS whose telephone number is (571)272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brad Bayat can be reached on 571-272-6636. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/jl
10/8/08

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3623